

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

This Document Relates to:

*Kolb, et al. v. Rick McClary,  
et al.*, No. 19-cv-02088

**PLAINTIFFS' MOTION TO VACATE JUDGMENT AND REMAND THIS ACTION  
OR IN THE ALTERNATIVE  
TO DIRECT ENTRY OF FINAL JUDGMENT AGAINST DEFENDANTS 3M  
COMPANY AND ARIZANT HEALTHCARE, INC. OR  
ENTER AN ORDER PERMITTING AN INTERLOCUTORY APPEAL**

COME NOW Plaintiffs Deborah Kolb and Timothy Kolb, by and through their attorneys of record, and, pursuant to Federal Rule of Civil Procedure (FRCP) 54(b) and 28 U.S.C. § 1332, and, for the reasons set forth in their accompanying Memorandum in Support, move this court to vacate its judgment for a lack of subject matter jurisdiction and remand this action to the Circuit Court of St. Louis County, Missouri, or, in the alternative, suggest remand of this case to the United States District Court for the Eastern District of Missouri pursuant to JPML Rule 10.1(b). In the alternative, Plaintiffs move this court to direct entry of a final judgment pursuant to FRCP 54(b) or, in the alternative, move this court to enter an order permitting an interlocutory appeal pursuant to 28 U.S.C. § 1292.

Dated: August 28, 2019

Respectfully submitted,

**LANGDON & EMISON LLC**

By: /s/ Robert Langdon

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of August, 2019, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/Robert Langdon